

Title 19, Division 1, Chapter 1.5

INITIAL STATEMENT OF REASONS

Pursuant to Health and Safety Code Sections 13132.7 and 13139, the State Fire Marshal shall approve and list wood roof covering materials and portable gasoline containers.

SPECIFIC PURPOSE AND RATIONALE

The proposed regulations will establish the requirements for wood roof covering materials and portable gasoline containers and establishes the criteria by which these items will be included into the State Fire Marshal's listing program. In addition, the proposed regulations will prohibit the sale of these devices unless they are approved and listed by the State Fire Marshal.

Existing regulations do not address the approval and listing of wood roof covering materials nor "child-resistant" portable gasoline containers by the State Fire Marshal.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, OR REPORT

The State Fire Marshal has utilized an ad hoc committee comprised of portable gasoline container manufacturers to analyze the proposed portable gasoline container requirements.

NECESSITY

These requirement are necessary to implement the provisions of Health and Safety Code Section 13139 (Chaptered bill AB 2022, Chapter 473), which mandates that on or before January 1, 2008, the State Fire Marshal shall approve and list portable gasoline containers and that no person shall sell, offer for sale, or possess for sale, on or after April 1, 2008, portable gasoline containers that have not been listed and approved by the State Fire Marshal.

In addition, Health and Safety Code Section 13132.7 mandates that no wood roof covering materials be sold or applied in the state unless the materials have been approved and listed by the State Fire Marshal.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE STATE FIRE MARSHAL'S REASONS FOR REJECTING THOSE ALTERNATIVES

The State fire Marshal staff has thoroughly reviewed this proposed regulatory action, including both the negative and positive impacts it will place upon industry. No alternatives considered by the State Fire Marshal would be more effective in carrying out the purpose for which the regulation is proposed, or would be as effective, or less burdensome to affected private persons than the proposed regulations.

ALTERNATIVES – SMALL BUSINESSES

The proposed regulations have no substantial effect to small business and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small business.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The State Fire Marshal can find no evidence that this action will have a significant adverse economic impact on any business.

COORDINATION WITH FEDERAL LAW

The State Fire Marshal has determined that this proposed regulatory action neither conflicts with, nor duplicates any federal regulation contained in the Code of Federal Regulations.

Specific sections which have been modified:

Section 200 is being proposed to be amended to reference to child-resistant portable gasoline containers.

Necessity: Child-resistant portable gasoline containers are not presently addressed in the code nor are they presently approved and listed by the State Fire Marshal.

Section 203 is being proposed to be amended to delete specific reference to "any material or equipment".

Necessity: An expired State Fire Marshal listing is not construed to conform to current regulations regardless of the material or equipment covered by the expired listing.

Section 204 is being proposed to be amended to define fuel, kerosene, and the portable gasoline containers covered by these regulations.

Necessity: The specific types of portable gasoline containers being regulated by these regulations needs to be defined so as to avoid confusion because not all "portable" gasoline containers are regulated by the State Fire Marshal. Only those containers 10 gallons or less are addressed in these regulations. The State Fire Marshal is referencing the California Air Resource Board's (CARB) definitions for both "fuel" and "kerosene" to ensure consistency with the definitions CARB has adopted since CARB also has regulations concerning portable gasoline containers.

Section 206 is being amended to reference portable gasoline containers. In addition, the section is being amended to delete gender specific references regarding the State Fire Marshal.

Necessity: Portable gasoline containers were not previously required to be evaluated and listed by the State Fire Marshal.

Section 207 is being proposed to be amended to add reference to portable gasoline containers.

Necessity: This is necessary to ensure that the effective date of the listing of portable gasoline containers is addressed.

Section 208 is being proposed to be amended to add the special provisions for portable gasoline containers and wood roof covering materials.

Necessity: There are specific provisions for these devices, which are specified in statute, and which must be addressed in regulations in order to eliminate confusion as to exactly which devices/materials are being regulated, effective dates, and the parameters by which they are to be approved and listed by the State Fire Marshal.

Section 209 is being proposed to be amended to add reference to portable gasoline containers. In addition, the section is being amended to delete gender specific references regarding the State Fire Marshal.

Necessity: This is necessary to ensure adequate information regarding the product is submitted to the State Fire Marshal for evaluation.

Section 211 is being proposed to be amended to add reference to portable gasoline containers. In addition, the section is being amended to delete gender specific references regarding the State Fire Marshal.

Necessity: This is necessary because existing regulations do not reference portable gasoline containers.

Section 212 is being proposed to be amended to; reference portable gasoline containers, allow labels to be embossed on the product, and to require attached labels to be of a contrasting color to the product to which it is being applied.

Necessity: The inclusion of portable gasoline containers is necessary because existing regulations do not reference portable gasoline containers. Allowing the labels to be embossed provides listees the option of using an alternative to having to provide an attached label. With the added allowance for embossing the label, a differentiation has to be made for the color of attached labels versus embossed labels.

Section 214 is being proposed to be amended to add reference to portable gasoline containers.

Necessity: This is necessary ensure the testing equipment is of the correct type and is maintained.

Section 215 is being proposed to be amended to add reference to portable gasoline containers. In addition, the section is being amended to delete gender specific references regarding the State Fire Marshal.

Necessity: This is necessary because existing regulations do not reference portable gasoline containers.

Section 216 is being proposed to be amended to add reference to portable gasoline containers.

Necessity: The inclusion of portable gasoline containers is necessary because existing regulations do not reference portable gasoline containers.

Section 217 is being proposed to be amended to add reference to portable gasoline containers.

Necessity: The inclusion of portable gasoline containers is necessary because existing regulations do not reference portable gasoline containers.

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